

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEVIN FERNANDEZ,)
vs. Plaintiff,) 3:06-cv-00628-LRH-RAM
STATE OF NEVADA, et al.,) ORDER
Defendants.)

vs.)
Defendants.)

Before the court are Plaintiff's Notices of Appeal (#9¹ and #10), which the court will treat as motions to reconsider Magistrate Judge's Order #7. Plaintiff filed a Motion for Enlargement of Time (#42) to file, nunc pro tunc, his Request for Review of Magistrate's Decision (#9 and #10), based on his mistaken belief that Order (#7) denying Plaintiff's Motion for Leave to Proceed Using Pseudonym (#2) came from a district court judge rather than a magistrate judge. Defendants responded (#45) that they would not oppose the extension and Plaintiff replied (#51). Plaintiff's Motion for Enlargement of Time (#42) is granted.

Also before the court is Plaintiff's Motion for Leave to Proceed in Forma Pauperis on Appeal (#28). Because Plaintiff's notices of appeal are being treated as motions to reconsider Magistrate's Order, the motion for leave to proceed in forma pauperis on appeal (#28) is denied as moot.

Plaintiff filed an Application for Leave to File Supplemental Points and Authorities (#43) in support of Plaintiff's request for review of Magistrate's Decision (#9 and #10).

¹Refers to the court's docket number.

1 Plaintiff's proposed Supplemental Points and Authorities are attached to the Application (#43).
2 Defendants responded (#46) that they do not oppose Plaintiff's motion assuming they are given
3 an opportunity to respond to Plaintiff's supplemental arguments if response is warranted and
4 Plaintiff replied (#57). Plaintiff's Application for Leave to File Supplemental Points and
5 Authorities (#43) is granted. The court has fully considered the Plaintiff's supplemental points
6 and authorities, has fully reviewed all pleadings herein, including Plaintiff's proposed civil
7 complaint which remains unscreened.

8 The court concludes that the Magistrate's Order (#7) denying Plaintiff's Application for
9 Leave to Proceed Using a Pseudonym and for Protective Order to Keep True Name in Sealed
10 Envelope (#2) was neither clearly erroneous nor contrary to law. The Magistrate Judge's Order
11 (#7) will, therefore, be sustained and Plaintiff's Notices (#9 and #10), which the court is treating
12 as motions to reconsider, are denied.

13 Defendants' request to respond to Plaintiff's Supplemental Points and Authorities is
14 denied as moot.

15 IT IS SO ORDERED.

16 DATED this 27th day of March, 2008.
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20 LARRY R. HICKS
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22 UNITED STATES DISTRICT JUDGE
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